

FILED

JUL 22 2025

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CLERK, U.S. DISTRICT COURT
TEXAS EASTERN

IN THE MATTER OF:

DILIP JANA
Plaintiff,

v.

WALMART, INC.,
Defendant.§
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§

Civil Action No. 4:24-cv-00698-SDJ-BD

**PLAINTIFF'S CONDITIONAL NOTICE AND PRESERVATION OF OBJECTION
PENDING RESOLUTION OF RECUSAL MOTION**

TO THE HONORABLE SEAN D. JORDAN

Pro Se Plaintiff Dr. Dilip Jana respectfully submits this conditional notice to preserve his procedural rights and request appropriate sequencing of adjudication in the above-captioned matter.

As of the date of this filing, Plaintiff's Motion for Judicial Recusal (Dkt 83) remains pending before the Court. Plaintiff respectfully notes that recent filings by Defendant Walmart appear procedurally contradictory in ways that directly implicate the fairness concerns raised in that motion. Specifically:

- On Friday, July 18, 2025 at 2:00 p.m., Walmart's paralegal served what it labeled as "Walmart's Supplemental Production" via email. The production was password-protected, provided no explanation of its basis or scope, failed to identify any corresponding discovery

request or disclosure category, and was not certified by counsel as required under Federal Rule of Civil Procedure 26(g).

- Just a few minutes later, at 2:14 p.m., Walmart filed Dkt. 85, explicitly relying on that same uncertified production. In Dkt. 85, Walmart requested that the Court relieve it of any obligation to respond, stating:

*“Walmart requests that the Court grant this motion, enter an order **excusing** Walmart from any obligation to respond to all pending and future filings by Plaintiff.”* (emphasis added)

- On Monday, July 21, 2025 at 4:47 p.m., Plaintiff filed Dkt. 87, formally notifying the Court of Walmart’s Rule 26(g) violations and the risks posed by the July 18 production.
- Merely two hours later, at 6:40 p.m. that same day, Walmart filed Dkt. 88, purporting to substantively respond to Dkt. 72

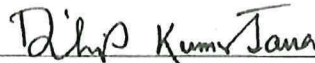
These procedural events – occurring within a three-day span over a weekend – raise concerns regarding consistency and timing that are directly relevant to Plaintiff’s pending Recusal Motion (Dkt. 83), as well as Plaintiff’s Objections at Dkt. 77 (to Dkt. 66) and Dkt. 81 (to Dkt. 79). Accordingly, Plaintiff respectfully preserves the objection that any ruling on Dkts. 72, 80, 85, or 88 would be premature, and requests that these matters be held in abeyance until the Recusal Motion is resolved.

In the interim, Plaintiff is in the process of preparing and submitting a reply/appropriate Motion addressing the misstatements and procedural deficiencies in Defendant’s recent filings (Dkt 85, Dkt 88).

Plaintiff reserves all rights and respectfully requests that no ruling be issued until the Recusal Motion is adjudicated and Plaintiff's forthcoming reply/Motion is on file.

Dated: July 22, 2025

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dilip Kumar Jana", is written over a horizontal line.

DILIP JANA, Plaintiff

Pro Se

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CERTIFICATE OF SERVICE

On July 22, 2025, a true and correct copy of the foregoing was served upon the following through the

Court's CM/ECF system:

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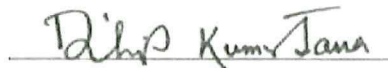
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Dated: July 22, 2025

Respectfully Submitted



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